

1 IN THE UNITED STATES DISTRICT COURT  
2  
3 FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
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6 KEVIN SIGGERS, )  
7 Plaintiff, )  
8 vs. ) Civil Action  
9 ) No. 03-3552  
10 JOHN LAMANNA, et al, )  
11 Defendants. ) Judge McLaughlin  
12 ) Magistrate Judge Baxter  
13  
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13 Video Conference Deposition of KEVIN SIGGERS  
14

15 Tuesday, October 31, 2006  
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17

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16 The video conference deposition of KEVIN SIGGERS,  
17 plaintiff herein, called as a witness by the defendants,  
18 pursuant to notice and the Federal Rules of Civil Procedure  
19 pertaining to the taking of depositions, taken before me, the  
undersigned, Darla J. Carabotta, Notary Public in and for the  
20 Commonwealth of Pennsylvania, at the Federal Correctional  
Institute McKean, Route 59 and Big Shanty Road, Lewis Run,  
Pennsylvania 16738, commencing at 9:40 o'clock a.m., the day and  
date above set forth.  
21  
22

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23 COMPUTER-AIDED TRANSCRIPTION BY  
24 MORSE, GANTVERG & HODGE, INC.  
ERIE, PENNSYLVANIA  
814-833-1799  
25

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## 1 APPEARANCES:

2 On behalf of the Plaintiff:

3 Knox McLaughlin Gornall & Sennett, P.C.:  
 4 Richard A. Lanzillo, Esquire  
 Lori Watson, Paralegal  
 5 120 West Tenth Street  
 Erie, Pennsylvania 16501

6 On behalf of the Defendants:

7 Michael C. Colville, Esquire  
 8 Assistant United States Attorney  
 United States Attorney's Office  
 9 Suite 4000 United States Post Office and Courthouse  
 700 Grant Street  
 Pittsburgh, Pennsylvania 15219

10 Douglas Goldring, Esquire, Assistant Counsel,  
 11 UNICOR

12 - - -  
 13 ALSO PRESENT:  
 14 Laura Lechien, Case Manager

15 - - -  
 16  
 17 EXAMINATION BY:  
 18 Mr. Colville  
 19 DEPOSITION EXHIBITS: None marked

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1 MR. COLVILLE: Can you hear us okay? There's a  
 2 telephone line dangling in front of the screen. Stand by one  
 3 minute, please.

4 MR. LANZILLO: That's fine. Thank you. We're all  
 5 set.

6 MR. COLVILLE: Is everyone set on the other end?

7 KEVIN SIGGERS

8 plaintiff herein, called as a witness by the defendants, having  
 9 been first duly sworn, as hereinafter certified, was deposed and  
 10 said as follow:

11 EXAMINATION

12 BY MR. COLVILLE:

13 Q. Good morning, Mr. Siggers, my name is Mike Colville,  
 14 and I'm here with Doug GolDring, who is assistant counsel for  
 15 UNICOR.

16 The purpose of today's deposition is to get the facts  
 17 surrounding your complaint. And if you don't understand one of  
 18 my questions, please let me know and I'll rephrase it. Or if  
 19 you want to take time and speak with your attorney, you  
 20 certainly have that ability, if you want to take time and go to  
 21 the men's room, that's also available. But I'll assume that if  
 22 you answer the question, you understand the question, and if you  
 23 don't you will let me know.

24 A. Yes, sir.

25 Q. Okay. Mr. Siggers, as I understand it you were hired

1 at UNICOR in March of 1999; is that correct?

2 A. Roughly around that time, sir.

3 Q. When you were hired, did you attend an orientation  
 4 program put on by UNICOR?

5 A. We sat in a classroom, they gave us a verbal  
 6 acknowledgement of what the factory's about.

7 Q. Who gave you that?

8 A. If I recall, probably Mr. Hayes, sir. It's been a long  
 9 time.

10 Q. Okay. What do you remember about the orientation  
 11 process? What did they tell you?

12 A. Simply explained to us the products that was going on,  
 13 the necessary thing about the mask, little ins and outs about  
 14 the UNICOR factory.

15 Q. Did they tell you about the products that you would be  
 16 handling, such as micore board?

17 A. At that point in time, no, sir, I wasn't working there  
 18 on that part.

19 Q. Did they talk to you about the MSDS sheets?

20 A. He said that - he explained to us a lot of different  
 21 things, at that point in time I don't remember everything he  
 22 said, sir. I don't want to say something that I'm not - excuse  
 23 me?

24 Q. But did he mention the MSDS sheets?

25 A. I can't recall that, sir. You're breaking up. You're

PAGE 5

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1 fading in and out, sir.

2 MR. LANZILLO: What may have to happen here is after a  
 3 question is posed, that you may want to wait just a minute,  
 4 Mr. Siggers, before you answer, to make sure that the question  
 5 is complete. And Mr. Colville will likely do the same thing  
 6 here, because there's a slight delay between the question and  
 7 your response on the video hookup here. So if you want to just  
 8 wait a brief second before you start to respond, it might make  
 9 it a bit cleaner. Just a suggestion.

10 A. Thank you.

11 Q. During the orientation process were you told to report  
 12 safety hazards to your supervisor if they came about?

13 A. Yes, sir.

14 Q. Okay. Were you also told during orientation that if  
 15 you were injured while working, you were to report that to your  
 16 supervisor?

17 A. Yes, sir.

18 Q. During the orientation was the inmate compensation  
 19 program discussed?

20 A. I don't know what that is, sir.

21 Q. Were you informed about a program where if you were  
 22 injured during the performance of your work, that you could  
 23 inform your employer that you were injured and receive  
 24 compensation while you got better?

25 A. I don't recall that being spoken.

1 Q. Okay. Do you remember signing any documents at the end  
2 of the orientation program?  
3 A. Yes, sir. It was a pamphlet that he gave us, we went  
4 down and signed to it after his presentation. We didn't go  
5 sheet by sheet.  
6 Q. Did you read each document before you signed the  
7 document?  
8 A. Basically he gave us a presentation, we went through  
9 and we signed at the back when he was done giving his  
10 presentation in the classroom, sir.  
11 Q. When you started working for UNICOR, what was your job?  
12 A. Labor, floor laborer.  
13 Q. What did you do as a laborer?  
14 A. My first job, if I'm correct, I was assistant on the  
15 vertical boring machines and flipping boards. It's been a while  
16 since I been in UNICOR.  
17 Q. What does that mean? I'm not as familiar as you are  
18 with that job, or those duties, can you explain to me and  
19 explain to your attorney what that job entailed?  
20 A. Flipping boards is actually - they make little  
21 particle board, it's two people on each side, you flip the board  
22 and stack them, on a vertical bore machine they rod a hole in  
23 the board. When I first started, before I ended up on the  
24 EZ-saw, I was being sent around helping out and finding out the  
25 procedure of different machines, and different inmates was

1 A. Not long, then I was put on the saw, sir, when they  
2 seen I was able to work and comprehend it, sir.  
3 Q. How much time was that, though, before you were put on  
4 the saw, more than a year, less than a year?  
5 A. I can't recall, sir, it's been a long time.  
6 Q. When you were working as a laborer and you were working  
7 with the boards, what type of boards are we talking about?  
8 A. I was helping the inmate, I don't know his last name,  
9 but he was going by Snake, I helped him do the micore boards,  
10 that's who showed me how to operate the machine. And I was  
11 doing the flipper boards. It's hard to explain to you what the  
12 flipper boards is, how to flip boards, because it takes two  
13 people to do it, sir. The boards are long in diameter, and some  
14 of the boards weigh over 400 pounds, so. It's hard for me to  
15 explain that, sir.  
16 Q. When you were a laborer and you were working with the  
17 micore boards, were you working with them while they were being  
18 cut?  
19 A. Yes, sir.  
20 Q. How many boards at a time would be cut -  
21 A. Three.  
22 Q. - when you were working with the micore boards?  
23 A. Three, sir.  
24 Q. And when you say "three," were they stacked one on top  
25 of the other?

1 teaching me how to do different procedures until I found a job I  
2 was capable of doing.  
3 Q. When you started with UNICOR, did you have an immediate  
4 supervisor?  
5 A. I think my immediate supervisor was Mr. Jim Pierotti,  
6 sir.  
7 Q. How long was he your immediate supervisor?  
8 A. They rotated, sir, I very much can't answer that  
9 question. The foremans in the factory, they rotate -  
10 Q. You saw Mr. - I'm sorry, I interrupted you. Can you  
11 tell me the man's name again?  
12 A. Mr. Jim Pierotti. You keep blurring, going to a  
13 standstill, sir.  
14 Q. Can you spell the supervisor's last name? It's  
15 breaking up on this end, too.  
16 A. Pier-otti.  
17 Q. Thank you.  
18 A. Excuse me, sir. Mr. Pierotti or Mr. Tingley, I was  
19 going back and forth from both of their departments working. So  
20 at that point in time they shop foremans, so whenever somebody  
21 gave me a duty to do, I reply, sir.  
22 Q. What was the other man's name?  
23 A. I think it's Roger Tinsley, sir. Tingley.  
24 Q. Now Mr. Siggers, how long did you work as a laborer for  
25 UNICOR after starting in April of 1999?

1 A. Yes, sir. Usually the boards was 48 by 90, or 48 by  
2 78, I'm not -  
3 Q. Go ahead.  
4 A. Can I look at my folder? I have a rough draft of what  
5 the size is.  
6 Q. Sure. You can look at anything you need.  
7 A. Thank you.  
8 The boards was coming in 48 by 96, sir. I have a cut  
9 list right here with my name on it.  
10 Q. Thank you. Have you provided all the documents you  
11 have in that folder to your attorney?  
12 A. To my knowledge, sir. Some things I had, I don't know  
13 if I sent it all.  
14 MR. COLVILLE: Okay. I guess I'll ask you, can we get  
15 copies?  
16 MR. LANZILLO: I'm not entirely sure which file  
17 Mr. Siggers has with him, but I will confer with him and make  
18 sure that our production has been complete.  
19 MR. COLVILLE: Thank you.  
20 Q. Mr. Siggers, I'm going to focus now when you were  
21 working as a laborer and working with the boards. Was cutting  
22 done every single day at the UNICOR plant?  
23 A. Yes, sir. For a while there we had a lot -  
24 Q. When you were laboring - I'm sorry, you said "Yes,  
25 sir."

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1 A. Yes, sir, for a while we was running very high quantity  
 2 every day.  
 3 Q. What is "high quantity" in your mind?  
 4 A. Some days we cut three or four hundred boards.  
 5 Q. Mr. Siggers, what are you looking for?  
 6 A. The actual day I started working on the saw, sir.  
 7 Q. Very good. If you can find that. I think it's April  
 8 of 2001, somewhere around there, but that's just my  
 9 recollection. I think it's in your complaint.  
 10 I'm sorry, your complaint indicates November 13, 2001.  
 11 A. Yes, sir, I have that in my hand, sir.  
 12 Q. Is that what you are referring to there?  
 13 A. Yes, sir.  
 14 Q. All right.  
 15 A. The date was 11/13/01, sir.  
 16 Q. So according to your complaint, you were a laborer  
 17 within UNICOR from March 23rd, 1999 until November 13th, 2001?  
 18 A. On about that day they officially assigned me to run  
 19 the saw. I couldn't run the saw until they signed me off on the  
 20 saw. I was just laboring helping them, stacking the boards and  
 21 pushing the boards on the machine, sir, so they could be cut.  
 22 Q. It's that period of time I want to focus on when you  
 23 were a laborer. And you said earlier that wood was being cut  
 24 every day, is that accurate?  
 25 A. That's not - that material is not wood, sir. They

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1 Q. When you were working as a laborer near the saw that  
 2 cut the micore boards, was there a dust collection system on  
 3 that saw?  
 4 A. There was a ventilation machine, yes, sir.  
 5 Q. Explain to me how that worked?  
 6 A. Every time the door - every time the level of the door  
 7 on the saw comes down and make a cut, it's supposed to I guess  
 8 suck up all the material, but when you're moving fast and  
 9 cutting that mass quantity like that, that's impossible, it was  
 10 all in the air, sir.  
 11 Q. Okay. But is it accurate to say that whenever the  
 12 micore board was cut, that there was a vacuum dust collection  
 13 system in operation at that time sucking up some of the dust  
 14 that was created by the cutting of the micore board?  
 15 A. No, sir, I have to say the majority of time we had to  
 16 have maintenance come over because it get clogged. When we  
 17 doing a lot of cutting, it get clogged, and that's when it kicks  
 18 back dust in the air and we turn the fan on to help make it -  
 19 because it would make a whole - excuse me, sir?  
 20 Q. I think I interrupted. Finish your question if I  
 21 interrupted. Or finish your answer if I interrupted.  
 22 A. Whenever we go into mass production and cutting a lot,  
 23 the little hole, the hole is about this big (indicating) on the  
 24 ventilation coming from the machine, so it's impossible. So  
 25 when it jam, all that stuff be in the air, so we cut the fan on

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1 have wood being cut -  
 2 Q. What was being cut? When you were working as a  
 3 laborer, was something being cut, either wood or micore board  
 4 every single day?  
 5 A. Yes, sir. Basically, yes, sir. On the saw I was  
 6 helping on -  
 7 Q. Was it one or both? Was it wood or micore board being  
 8 cut?  
 9 A. Micore board where I was helping out at that time, sir.  
 10 Q. How long was your work shift?  
 11 A. At that point we almost worked close to eight hours a  
 12 day. We had breaks in between, sir.  
 13 Q. You worked day shift; is that correct?  
 14 A. Yes, sir.  
 15 Q. Do I understand that when you were a laborer between  
 16 March of '99 and November of 2001, that you were working  
 17 exclusively with micore board?  
 18 A. No, sir, I was working wherever they needed me at that  
 19 point in time in the factory, but the majority of the time I was  
 20 going back in and helping, that way I could get assigned to that  
 21 job. The procedure they have here, you have to learn and be  
 22 trained on the machine in order to get a job there, so I had to  
 23 start helping stacking board, loading the machine with the  
 24 micore board until Mr. Pierotti filled out he could trust me  
 25 enough to sign me off on the machine, sir.

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1 to keep working until maintenance get a time - have the time to  
 2 come over and unclog it so we be able to use it.  
 3 Q. Were you allowed to use the saw when the vacuum system  
 4 was not operational?  
 5 A. It was hard to tell when it was optional or  
 6 non-optimal, sir, when it was working, we was just told to  
 7 cut. When a lot of the dust was in the air, one of the foremans  
 8 would come by and tell us to shut down. When it got too much  
 9 dust -  
 10 Q. Who would unclog the ventilation system?  
 11 A. For a while they had an inmate working from maintenance  
 12 come do it, then they just start showing us how to take the air  
 13 nozzle and put it in between the hose and blow the system back  
 14 out.  
 15 Q. The people who work for maintenance, are they inmates  
 16 or UNICOR staff?  
 17 A. Inmates do all the work.  
 18 Q. Including the maintenance?  
 19 A. Yes, sir. You have a shop foreman, maintenance  
 20 foreman, Mr. Salerno come and give them the tubes, but the  
 21 majority the inmates run the factory, sir.  
 22 Q. Did you ever notify anybody, either Mr. Salerno or  
 23 anybody from maintenance, that the dust collection system had  
 24 been clogged or was not operational during the period of time  
 25 while you were working near the saw as a laborer?

1 A. Yes, sir, many a time, and they told us if it's too  
 2 much dust, go to the tool room and get the breathe-easy dust  
 3 mask.  
 4 Q. Who told you that?  
 5 A. Majority - Mr. Salerno, Mr. Nolan, Mr. Pierotti,  
 6 majority of the foremans that came in the back while we was  
 7 cutting.  
 8 Q. During any of those times did you ever contact any of  
 9 the defendants that you have named in this federal complaint and  
 10 tell them about the problems you were having with the dust  
 11 collection system?  
 12 A. Yes, sir.  
 13 Q. Now, I'm talking about the period between March 1999  
 14 and November of 2001, just so we're clear.  
 15 A. Excuse me, can you reframe the times again?  
 16 Q. During the period of time when you were a laborer,  
 17 March of '99 until November of 2001.  
 18 A. Excuse me, sir, the whole time I was talking I didn't  
 19 know you had stayed roughly in that time frame, I went past that  
 20 time frame, sir.  
 21 Q. Then let's go back. I want to talk about the point of  
 22 time when you were a laborer, and that's March of '99 to  
 23 November of 2001.  
 24 A. At that point in time -  
 25 Q. All right? Let me restate the question. During that

1 frame?  
 2 MR. COLVILLE: Yes.  
 3 MR. LANZILLO: When you were still a laborer did you  
 4 wear a dust mask?  
 5 A. No, sir.  
 6 Q. Why not?  
 7 A. Because it's uncomfortable. When I first tried it the  
 8 first time when I was working back there, it has a little  
 9 bridge, a bridge on it, it still didn't stop the dust from  
 10 getting in your nose, so it wasn't no sense of using it, sir. I  
 11 was told I could use it -  
 12 Q. Let's talk about once you became - I'm sorry, I didn't  
 13 mean to interrupt. Go ahead.  
 14 A. I was only saying you keep blurring and stopping,  
 15 that's why I was trying to focus what you was saying, sir.  
 16 Q. I understand. There's this delay, it's difficult to  
 17 keep track of.  
 18 Let me now ask you about when you became an operator of  
 19 the saw in November of 2001.  
 20 A. Go ahead, sir.  
 21 Q. Explain to me how that came about. Explain to me where  
 22 you were within the facility and what saw you actually worked  
 23 on?  
 24 A. I was signed off to work the Z-32 small panel saw in  
 25 the back, sir. Before then I was trained by a Jamaican guy, I

1 period of time when you were a laborer, while you were laboring  
 2 or helping the person work the saw, was the dust collection  
 3 system operational?  
 4 A. At that point in time, sir, I didn't know nothing about  
 5 the dust collection and all that because I wasn't signed off as  
 6 a operator on the machine, I was just labor loading the  
 7 machine. But I also know at that point in time when I started  
 8 breathing hard and everything, I asked, and they told me to get  
 9 the breathe-easy dust mask, the boards is going to make that  
 10 dust. Mr. Pierotti at that time, when he let me go back and  
 11 work, he said "If you can't take the dust in the air and all  
 12 that, you can go back over to your area." I didn't know at the  
 13 time that that dust was anything wrong. I was trying to get a  
 14 grade and show them that I could work, sir.  
 15 Q. Let me ask you, you mentioned Mr. Nolan, who is he?  
 16 A. He was one of my shop foremans, sir, when I worked on  
 17 the saw.  
 18 Q. Was he your foreman when you were working as a laborer?  
 19 A. No, sir. As I stated before, when I first came in the  
 20 factory I was being used between Mr. Roger Tingley and Mr. Jim  
 21 Pierotti, wherever they needed assistance, that's where I was  
 22 going. That's how you get your grade in the factory.  
 23 Q. I understand.  
 24 Did you wear a dust mask while you were laboring?  
 25 MR. LANZILLO: Are you still in the earlier time

1 don't know his last name, but everybody called him Snake, that's  
 2 who I was helping the whole time I was in there. When I didn't  
 3 have to work on the vertical bore machine, I was back there  
 4 learning how to run that procedure back there. When I was  
 5 signed off on the machine, he was transferring to another  
 6 institution, so I was brought right in as that operator, an  
 7 assistant operator.  
 8 Q. Is the Z-32 panel saw the only saw that you were  
 9 assigned to -  
 10 A. Nope.  
 11 Q. - at UNICOR?  
 12 A. No, sir. After a while they put me on the big - I was  
 13 put on the bigger saw, too, as a machine assistant helping  
 14 Mr. Farley. I run both.  
 15 Q. So as I understand -  
 16 A. We started cutting a plastic material for keyboard and  
 17 mouse pad, so the days that we waited for material to come in  
 18 for the small panel saw, or we had enough cut micore board that  
 19 Mr. Woods can cut by himself, I was sent over there to help run  
 20 the other machine. If you check through my files, sir, I ran  
 21 almost every machine in the UNICOR factory.  
 22 Q. But as I understand it, your complaint, the complaint  
 23 you have in this case concerns the dust and material that was  
 24 created as a result of cutting micore board; is that correct?  
 25 A. Yes, sir.

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1 Q. Are you complaining about any other hazardous substance  
2 you worked with or were around?  
3 A. All my problems came from dealing with the micore, the  
4 tack board, micore boards, what you call, my breathing problems,  
5 the skin irritations, everything was dealing around the micore  
6 boards, that's when I asked and I complained, that's why the  
7 whole procedure went through.

8 Q. Okay. Let me clarify some answers that you gave me.  
9 You worked on two saws, the Z-32 panel saw, which I think you  
10 described as a smaller saw, and you also worked as an assistant  
11 on a big saw, where you cut plastic products, is that accurate?

12 A. That was in 2003, after OSHA came in and did their  
13 tests, sir.

14 Q. What was in 2003?

15 A. When I was changed to – around that time I was changed  
16 to the big panel saw, sir. First I was just going over to help  
17 them when they sent me over there. The majority of my time was  
18 spent on the Z-32 small panel saw, sir.

19 Q. And does the EZ panel saw only – is it only used to  
20 cut micore board during the time period that you were working  
21 there?

22 A. Micore board and lamination, sir.

23 Q. What is lamination?

24 A. Like the – like the covering that they put on – you  
25 know, the paneling you might put on the wall in your – I don't

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1 know what they use it for, I'm just speaking like maybe in the  
2 basement you had little panel like wood, like flimsy like wood  
3 material that you put on your wall.

4 Q. Okay. But it was a different substance than micore  
5 board altogether?

6 A. Yes, sir.

7 Q. Thanks.

8 A. It's a hard – excuse me, sir?

9 Q. When you were cutting the micore board on the EZ-32  
10 panel saw, how many boards would you cut at a time?

11 A. Three, sir.

12 Q. Okay. Were you told to cut three, or was this just  
13 what you did as a practice?

14 A. This is what I was taught when I was first on the  
15 machine, you have a stack of boards, that sometimes 52 come in,  
16 sheets come on, sometimes you get 36 sheets. When I was taught  
17 to feed the machine, I was taught to put three in at a time,  
18 because that's where they was – that's what I was told to do.

19 Q. Okay. How thick were the boards that you were cutting  
20 three at a time?

21 A. They don't show the thickness. I don't know the  
22 thickness. Just like on the sheet I have here, it was a cut  
23 sheet where we was going by cutting two at a time, this had my  
24 name on it, that's how they come when they sent it down to me  
25 from upstairs to cut. They have – they give us a cut plan when

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1 it comes from upstairs, how many boards we have to cut and  
2 what's the best yield to get out of that material that they  
3 order.

4 Q. Who taught you how to cut three boards at a time?

5 A. Another inmate, sir, that's who taught me how to run  
6 the machine. Only thing staff did was come around and –

7 Q. Did any of your –

8 A. Excuse me, sir.

9 Q. Did any of your supervisors instruct – did any of your  
10 supervisors train you or instruct you to cut three boards at a  
11 time?

12 A. Only thing the instructor came around and did was see  
13 that I knew how to run the machine, and see I was working good  
14 with the fellow inmates working there, and he signed me off to  
15 work the machine, sir, on the recommendation of another inmate,  
16 he seen that I knew how to operate. I ran – matter fact  
17 actually, yes, when he signed me off on the machine, three  
18 boards was pushed in and I cut and showed him that I could  
19 follow the blueprint to cut. So the answer would be yes, sir,  
20 that would be Mr. Jim Pierotti.

21 Q. Did any of the defendants you have named in the federal  
22 lawsuit train you or instruct you to cut three boards at a time?

23 A. They didn't explain nothing to me, sir. No staff  
24 explained nothing to me, sir. An inmate taught me, sir.

25 Q. Mr. Siggers, let me ask you about the amount of boards

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1 that you would cut on any given day. Let me ask it this way, on  
2 an average day, not a low volume day, not a high volume day, but  
3 an average day, how many boards would you cut when you were  
4 working the panel saw?

5 A. Two and a half to three bundles a day. Each bundle  
6 consist of at least sometimes 50 boards – 50 sheets, not  
7 boards, I'm talking about sheets in diameter of 96 by 48.  
8 Sometimes we do a stack of 96 boards. Depend on what size. The  
9 bigger the size board, the low amount of time it takes. But the  
10 only time that we cut a single board not in high volume is the  
11 day OSHA came in.

12 Q. Okay. Well, we'll get to that. Let me even drop back  
13 further. As I understand it, you were cutting wood to build  
14 furniture. What furniture were you building?

15 A. I don't understand your question, sir.

16 Q. What type of furniture were you building? The board  
17 you were cutting, what were you cutting it to build?

18 A. Sir, how can I – I can't answer that question, sir.

19 Q. If we use one of the sheets, the sheets that you cut,  
20 how many pieces of form would you cut out of a sheet?

21 A. That's what I just said, sir, I have to go by the cut  
22 plan that came down from upstairs, sir. Some boards are small,  
23 some boards are – excuse me for a second, please.

24 I think Mr. – I don't know if I have a copy of it  
25 here, of a cut plan, but the cut plan show how many – a cut

1 plan will show you how many boards we'll cut at a time, sir.  
 2 How different sizes - you have to load the machine  
 3 different way to get a different yield for different size  
 4 boards, sir. But to answer your question about what product  
 5 that we was cutting, I don't know what they sell the product to  
 6 do, I just follow the orders to the job that I was assigned to  
 7 do, sir. After they leave my department we put it on the skid  
 8 and it's wrapped up and sent out of the factory, after it's  
 9 wrapped.

10 Q. When you were cutting on the panel saw, did you ever  
 11 ask for a respirator?

12 A. Yes, sir.

13 Q. When did you ask for a respirator?

14 A. After I kept complaining about nosebleeds and having  
 15 hard breathing walking up and down the hill, and an inmate  
 16 showed me that the breathe-easy dust mask is not acceptable to  
 17 work with that product, and I was told if I didn't like it, I  
 18 didn't like the work, find new employment, more than one time.

19 Q. When was this? When was the first time?

20 A. I can't recollect a day unless I look at my medical  
 21 records, sir.

22 Q. Who did you ask to get a respirator to you?

23 A. I asked my foreman at the point in time, when I didn't  
 24 get the answer I wanted, I went to Mr. Sapko, and after I left,  
 25 I didn't get the answer then, I had to work, I went back to the

1 inmate that was working with me and working around the area.  
 2 Then they asked me to turn the fan on and try not to blow - I  
 3 mean, use the air nozzle and blow it in the air, that way I  
 4 won't have to be complaining about my breathing.

5 Q. So I'm clear, you went to Mr. Nolan first and then

6 Mr. Sapko?

7 A. At that point in time I can't recollect which one asked  
 8 me. I spoke to Pierotti about it, Nolan about it, Sapko about  
 9 it, and one of foremen that was at night, I asked him about it,  
 10 he worked at night, he was there in the daytime.

11 Q. At the time were you using the dust mask at all?

12 A. I tried it. Like I explained earlier, I tried it, it  
 13 has a small clip on the nose, it's a string that you put on, it  
 14 just holds, and while you work it just keep moving and keep  
 15 moving, so it didn't make no sense to using it. It don't stay  
 16 on -

17 Q. Did it help at all?

18 A. No, sir, because it don't stay close, stuff is still  
 19 coming in your nose and your mouth. As you move to do work,  
 20 sir, it's moving right with you.

21 If you give me a second, I think I have - I thought I  
 22 had a picture of one here, sir.

23 Q. Oh, I know what they look like.

24 MR. LANZILLO: Kevin, that's all right, you don't have  
 25 to dig out a diagram, just answer the questions put to you.

1 THE WITNESS: Yes, sir.

2 BY MR. COLVILLE:

3 Q. Mr. Siggers, when you were cutting the wood, was the  
 4 dust collection system operational?

5 A. Excuse me, you keep referring to wood -

6 MR. LANZILLO: I would pose an objection, this question  
 7 has been asked and answered.

8 MR. COLVILLE: Well, just so we're clear, previously I  
 9 was referring to when he was a laborer, now I'm talking about  
 10 the period of time when he was actually operating the panel saw.

11 Q. Mr. Siggers, when you were operating the panel saw, was  
 12 the dust collection system operational?

13 A. First can I ask, you keep referring to "wood," I don't  
 14 understand, what wood are you talking about, sir?

15 Q. Let me say it this way, it doesn't matter what you're  
 16 cutting, during the time that you were the operator of the EZ-32  
 17 panel saw, was the dust collection system operational?

18 A. Not all the time, sir. That's how I said - I mean, I  
 19 explained it earlier, sir, the majority of times when we cut in  
 20 mass production, it's a little hole this big (indicating), so  
 21 there's a little pipe that's hooked to a tube that goes up to  
 22 the big ventilation system, it's impossible for it to collect.

23 And when we're going, our whole body is covered with white, with  
 24 the dust, sir, and the whole area in the back is covered with  
 25 dust. So we would turn on the fan and blow it so we can keep

1 keep working. Then a lot of the other inmates got to  
 2 complaining, so we stopped doing that. But to answer your  
 3 question, no -

4 Q. Did you ever try just cutting one board at a time  
 5 rather than three boards at a time?

6 A. Yes, sir. And then you still pushing them and trying  
 7 it, it still created dust, but then that slowed up production  
 8 and we got complaints about why we was doing less, turning out  
 9 less numbers of boards, sir.

10 Q. Who did that?

11 A. What? Excuse me, what do you mean? Who did what?

12 Q. Well, did you ever cut one board at a time?

13 A. Yes, sir.

14 Q. Okay. And are you telling me then the supervisors  
 15 complained?

16 A. Yes, sir, because it slowed up production, and it still  
 17 was making - no matter how you cut the board, sir, if you push  
 18 one in, it slows up production, but you're still getting the  
 19 same amount, you're still getting the dust in the air when  
 20 you're pushing around, because ain't nothing - you have to see  
 21 the machine to see it for yourself, sir, as it operates, for you  
 22 to know.

23 Q. Was the same amount of dust created by cutting one  
 24 board as was created by cutting three boards at a time?

25 A. No, sir.

1 Q. Okay. Do I take it even more dust was created when you  
2 cut three boards at a time?  
3 A. Yes, sir. They gave me the procedure how to cut, sir.  
4 Q. That's why I was asking, did you ever try to cut just  
5 one board at a time?  
6 A. Yes, sir. And I go to the answer I gave before, sir,  
7 when you did that, that slowed down production, we was asked why  
8 we slowed down production, we was told to cut like we was told  
9 to cut, sir.  
10 Q. My question is, who questioned you about the slowing  
11 down of production, what supervisor?  
12 A. Sir, I don't understand. The best way to explain it,  
13 here in the institution, the COs change every so many - how do  
14 you say it?  
15 MS. LECHIEN: Quarter.  
16 A. - around a quarter, they do on the compound and  
17 factory yearly, so at the point in time I can't recall if  
18 Mr. Pierotti was still here or Mr. Nolan was there, because  
19 Mr. Cook even took over that department before it was all taken  
20 away. So at that point in time, sir, I can't give you no  
21 elaborate answer which foreman was there and complaining about  
22 us cutting that one sheet at a time. Because any time we stop  
23 production and slow down, because it goes from our department to  
24 different departments, sir, one of the foremans would come back  
25 there.

1 Q. You testified earlier you went to Mr. Sapko and asked  
2 him for a respirator, please try to give me as much detail about  
3 that conversation that you had and tell me what happened?  
4 A. I complained about my breathing, and said at the end of  
5 the day it's hard to breathe going up the hill a lot. This was  
6 in like I'm going to say roughly around the middle of 2000,  
7 going into 2001. I can't verbatim recall what time frame  
8 day-to-day, sir, that we had that conversation, and I was told  
9 if there's a problem with - go ahead, sir.  
10 Q. So this conversation with Mr. Sapko preceded you  
11 working as an operator on the panel saw.  
12 A. I don't understand what you're saying. You said  
13 precede, before I started working? No.  
14 Q. Mr. Siggers, you told me that you went to Mr. Sapko in  
15 the middle of 2000 and you asked him for a respirator, is that  
16 an accurate statement?  
17 MR. LANZILLO: Objection to form. I think he said  
18 sometime 2000, 2001.  
19 Q. Mr. Siggers, when you went to see Mr. Sapko about a  
20 respirator, were you an operator of the panel saw at that time?  
21 A. Yes, sir.  
22 Q. All right. What did Mr. Sapko tell you?  
23 A. He said breathe-easy - he says the dust masks that I  
24 can use inside the tool room. And while also I had that  
25 conversation with him, I asked him if there was something to do,

1 because my skin be itching a lot when I cut the material, sir.  
2 He said there's some guys when you working there, he says he  
3 been dealing with that - he says they been dealing with that  
4 material. Institutional khakis and a T-shirt, sir. When I  
5 spoke to him about a respirator, I spoke to him also about why I  
6 be itching and getting us something to cover our skin.  
7 Q. Were you permitted to wear long-sleeved shirts at that  
8 time?  
9 A. At that time we didn't have no long-sleeved shirt in  
10 the factory, sir, we had our T-shirt. Everybody worked in their  
11 T-shirt, sir.  
12 Q. Were you issued long-sleeved shirts as well?  
13 A. The factory - if you look at one of my affidavits, the  
14 factory did not issue long-sleeve shirts until after OSHA left  
15 here, sir.  
16 Q. Did UNICOR issue all of your work clothes?  
17 A. UNICOR didn't issue no work clothes, sir, until to  
18 before OSHA came in.  
19 Q. Who issued your work clothes?  
20 A. We work in institution clothing, sir.  
21 Q. Back when you were operating the panel saw, were you  
22 required to wear short-sleeve T-shirts?  
23 A. As I repeated, sir, we worked in our institutional  
24 clothing, short-sleeve shirts or short-sleeve T-shirts when you  
25 get to working, little khaki brown. Right now you see I have on

1 a long-sleeve shirt, they started giving these out now in the  
2 laundry. But before then we had short-sleeve shirts, sir, and  
3 we had our regular white T-shirts, which is short-sleeved. When  
4 we got too hot we took our khaki shirt off, sir.  
5 Q. I understand what you are saying, Mr. Siggers. I'm  
6 just trying to figure out whether or not during this period of  
7 time you were also issued long-sleeved shirts if you wanted to?  
8 A. Excuse me? Repeat that.  
9 Q. I understand that you were issued short-sleeve T-shirts  
10 and short-sleeve khaki shirts. I also want to know whether or  
11 not at the same time you were issued long-sleeved khaki shirts  
12 which you could have worn had you chosen to do so?  
13 A. At that point in the time the laundry - or the  
14 quartermaster, which you call, was only giving out short-sleeve  
15 shirts and T-shirts. Short-sleeve khaki brown shirts, sir.  
16 After OSHA came -  
17 Q. I understand.  
18 A. As I was saying - if you don't mind, can I go on? I  
19 have an affidavit copy, you should have it, when OSHA came in, I  
20 went to Mr. Sapko, and it's in here, and I asked him, working in  
21 a long-sleeve shirt - it's dated July 9, 2003. I asked shop  
22 foreman Chuck Nolan for a long-sleeve shirt to wear for  
23 protection, since we were cutting micore tack board that  
24 morning. I asked Mr. Nolan about some pants, and was told that  
25 MSDS said that the clothes must be washed separate. I ended up

1 having to cut the micore boards in my prison issued  
 2 institutional pants and shirt, I had to wear them out of the  
 3 factory to be washed with my daily clothes. The supervisor said  
 4 the management did not look out for my safety health,  
 5 instructing me that day to continue work with the micore board.  
 6 Mr. Nolan said he will order us some uniforms with long-sleeved  
 7 shirts.

8 Q. Okay. Mr. Siggers, with regard to the panel saw and  
 9 how many boards could be cut with it, was three the maximum  
 10 limit that you could cut?

11 A. Excuse me, sir?

12 Q. The panel saw that you were using, how many boards,  
 13 micore boards could you cut at any one time using that saw?

14 A. At that point in time before OSHA came in, the micore  
 15 boards had a brown coat, like a thin particle – a thin layer of  
 16 wood-like substance. Not wood, but it's like – I can't explain  
 17 it. With that on the board, with the micore board on the top, a  
 18 maximum they would cut was three, sir.

19 When they switched and went to a non-backing board, we  
 20 was able to cut four or five, because it was just plain micore  
 21 board by itself, just the material with no backing.

22 Q. Did you ever cut four or five micore boards at the same  
 23 time?

24 A. As I repeat, sir, that was a different micore board and  
 25 it did not have the backing on it, sir.

1 Q. But did you ever cut four at a time, four or five at a  
 2 time?

3 A. Just answered your question, sir, yes, but it was a  
 4 different type of micore board, sir.

5 Q. The micore board that we're talking about in this case,  
 6 when you were cutting it, did the board itself have any safety  
 7 warnings or writing material on the board?

8 A. Not until 11 – 11th month '03 after OSHA came in, a  
 9 stack of micore boards came in, and it had a label on it, and  
 10 that's when we finally was able to realize that we supposed to  
 11 wear long – after OSHA already came in and told us that we  
 12 supposed to wear long-sleeve overalls and a respirator. I never  
 13 seen one – I included one of the labels in my exhibits, in one  
 14 of my affidavits, I ain't never seen one of them labels on the  
 15 boards until 11/2003, sir.

16 Q. Mr. Siggers, I was at the facility yesterday, and I  
 17 walked down on to the floor, and as you go down the steps from  
 18 where the plant manager's office is down the steps to the work  
 19 floor, there are two giant red books. Have you ever seen those  
 20 books, against the wall?

21 MR. LANZILLO: Objection to form, foundation, because  
 22 I'm not sure we're talking about the same documents, or I'm not  
 23 quite sure exactly what we're talking about.

24 Q. Do you know what I'm talking about, the red books on  
 25 the wall at the bottom of the steps?

1 A. I seen when you came down the steps yesterday, and in  
 2 one of my affidavits – after OSHA came in, if you check my  
 3 statement to OSHA, to the day he came in and the day I got in an  
 4 argument defending Mr. Housler, I did not know where MSDS sheets  
 5 safety book was that you're referring to. In one of my  
 6 affidavits you see Mr. Nolan, shop foreman, walked me down there  
 7 and showed me where to look up material – everything about the  
 8 MSDS information about the boards that I was cutting, which is  
 9 the micore board. And that's when Mr. Sapko came up, too.  
 10 Until then, I didn't know, sir. Nobody never walked us down –  
 11 where you're talking about, sir, it sits right out there in the  
 12 open. When Mr. Nolan took me, the steps you're talking about,  
 13 it's all the way in the back, right now that steps is clear,  
 14 there's nothing underneath there, except a little buffer at the  
 15 end of the hall. At the point in time when all this happened,  
 16 there was a whole lot of material and cabinets all stacked  
 17 behind it. As you know, the whole factory is changed over now,  
 18 everything ain't like it was, sir.

19 Q. Okay. So when was it that you saw those books for the  
 20 first time with Mr. Nolan and Mr. Sapko?

21 A. Can I look for the date for you?

22 Q. Sure.

23 A. July the 3rd, 2003, sir, at approximately 12 –

24 Q. Let me just ask you a last couple questions concerning  
 25 you working on the panel saw. I asked you earlier about an

1 average day and how many boards you would cut, and you told me  
 2 two and a half to three bundles, with each bundle having 50  
 3 boards on it. What would a high volume day be for you cutting  
 4 micore boards?

5 A. There's been times we worked overtime at night, all the  
 6 way to the nighttime cutting because they had to meet a deadline  
 7 schedule, sir. Every time we finish a couple bundles, they go  
 8 and have a truck bring some more in from the warehouse. Then  
 9 they start getting in a routine of stacking six or seven  
 10 bundles, me and Mr. Woods try to knock out almost four bundles.  
 11 If it's there, we try to knock it out, sir. We try to do the  
 12 best we can to keep UNICOR supplying their customers with their  
 13 material. We had the ticket and the order, we did the work,  
 14 sir.

15 Q. Does that then mean, Mr. Siggers, that four bundles  
 16 would be a high volume day for you?

17 A. Like I said, some days we worked overtime, too, sir,  
 18 trying to meet a deadline, we do more than four bundles. If  
 19 it's a smaller sized board and we cut – I seen you moving your  
 20 hand, do you mind if I finish, sir? If it's a smaller board  
 21 that we're cutting, we can knock out, because it's small, and we  
 22 ain't got to make three different, four different size –  
 23 different cuts. If it's one specific cut size we're doing,  
 24 saying 23 by 1575, we can knock them out in mass production. So  
 25 depends on the size of the board they want and the order that

1 that size is for.  
 2 Q. I understand. Mr. Siggers, let me now focus on your  
 3 injury.  
 4 In your complaint you indicate that you have incurred a  
 5 permanent injury. Would you please describe for me what  
 6 permanent injuries you have incurred?  
 7 A. Right now they have me on respirators - I mean  
 8 inhalers and stuff for respiratory breathing. I still keep on  
 9 having chronic nosebleeds, and my breathing. They told me to  
 10 lose weight, maybe that will help. I lost weight, it didn't  
 11 help. Just breathing, my breathing, it seem like my whole  
 12 breathing - they gave me a test, they say a guy my size  
 13 supposed to be able to blow 350 pounds - I mean blow 350 or  
 14 400, I'm blowing 125, 175. Now they gave me, I'm using the -  
 15 they took an x-ray of my chest, said my chest is congested and  
 16 clogged and everything. Just my breathing is messed up.  
 17 Q. Has all of your medical attention been provided by the  
 18 Bureau of Prisons, or have you been seen by outside medical  
 19 personnel?  
 20 A. Only person - I haven't left this institution, sir.  
 21 Q. Let's go through each of the symptoms you have. You  
 22 mentioned chronic nosebleeds. Tell me about those?  
 23 A. It's notated in my medical records. And then in one of  
 24 my affidavits, I asked Mr. Pierotti, I said I was having  
 25 problems with my nose bleeding and breathing, and whenever we

1 wasn't cutting the micore boards and I was doing something else,  
 2 I was able to breathe. And then every time I blow my nose I had  
 3 dried blood and dust all up in my nose. I explained this to the  
 4 foremen back -  
 5 Q. Do you still have nosebleeds?  
 6 A. Very - not spontaneous like I was having them before,  
 7 but off and on. Then they tried to say nosebleeds can come from  
 8 high blood pressure all of a sudden. So I don't know, sir.  
 9 Q. Do you have high blood pressure?  
 10 A. No, sir.  
 11 Q. You broke up a little bit at the end of your answer  
 12 concerning the nosebleeds, do you still have nosebleeds?  
 13 A. Off and on, sir.  
 14 Q. What other symptoms - well, my original question to  
 15 you was what permanent injuries do you have. Let me ask you to  
 16 list for me all the permanent injuries that you sustained?  
 17 MR. LANZILLO: In addition to what he has already  
 18 articulated?  
 19 Q. Yes.  
 20 A. I'm not a doctor, sir. Sir?  
 21 Q. Mr. Siggers, maybe this is my problem, from hearing you  
 22 and the delay here. My original question to you was, in your  
 23 complaint you allege that you have incurred permanent injuries.  
 24 I'm just trying to figure out what permanent injuries you claim  
 25 were caused by your exposure to cutting micore board. And you

1 did mention a couple, but if you could just go and start, so I  
 2 can list them and talk to you about them one by one, maybe that  
 3 will help us get through this quicker. So I'm going to ask you  
 4 list for me all of the permanent injuries that you claim that  
 5 you received as a result of having to work with this micore  
 6 board, I'll write them as you tell me them one by one, and then  
 7 we'll go back and talk about each of them. Okay?  
 8 A. Are you done, sir?  
 9 MR. LANZILLO: Kevin, you have already mentioned  
 10 respiratory problems, nosebleeds, you had some breathing tests  
 11 done, so I think they already have those noted. Are there any  
 12 other injuries or medical problems that you have had that you  
 13 believe relate to your experiences at UNICOR? I don't mean to  
 14 interfere, but.  
 15 A. Yes, sir. On my neck I had a, as they say, infection  
 16 group. I had a hair bump, same as I had a hair bump on my arm.  
 17 While I was cutting the tack board just in my T-shirt, my arm  
 18 got infected, my neck got infected. Medical records show they  
 19 had to drain - my arm and my neck was drained and they said -  
 20 I can't pronounce the fungus they said I picked up, but one of  
 21 the PAs I was seeing at that point in time that's no longer  
 22 here, said when you're dealing with that type of material, it  
 23 has pesticides and they spray different germicides on it.  
 24 Because my arm swole up like a baseball bat, and the back of my  
 25 neck, and they had to be drained. Now, I was given medical

1 idols, when I was reading my medical history report, what I  
 2 complained wasn't what was written down, so. I complained what  
 3 it was about, that PA is not there no more, so. I can only  
 4 explain to you what happened at that point in time, sir. I have  
 5 a hole in my arm, I got a hole in my arm where it was drained,  
 6 it swole up and they had to drain the infection, same on the  
 7 back of my neck. They gave me antibiotics and drained it and  
 8 they took the pus, helped me flush the pus out.  
 9 Q. Let me ask you about what you just said about your  
 10 description of an injury that was not accurately reflected in  
 11 the medical records. Is this one particular incident, or is it  
 12 multiple incidents?  
 13 A. I'm in an institution, so -  
 14 MR. LANZILLO: Do you understand the question?  
 15 A. I understand the question, Mr. Lanzillo. I'm in an  
 16 institution, there's a staff member sitting here by me, so  
 17 certain things I feel for my own safety. Because just like I  
 18 filed the affidavit, the door was slammed on my back by UNICOR  
 19 foreman Chuck Nolan - I mean Randy Cook slammed the door on my  
 20 back. When I came over to medical, they took what I said, but  
 21 he didn't write it down. So I went to Ms. Robere to ask for an  
 22 AW, and when I asked for my records, a copy of it, it wasn't  
 23 notated. And PO Ward called over to UNICOR and Mr. Salerno gave  
 24 me the phone, and he asked me what am I trying to do, get a  
 25 supervisor in trouble? I said I went to Ms. Robere, because

1 whenever an injury is notated by inmate to inmate or inmate to  
 2 staff, it's supposed to be notated. It wasn't notated. And he  
 3 called me to UNICOR, and UNICOR on the phone to Mr. Salerno, the  
 4 maintenance shop foreman called me to the phone, and the PA -  
 5 it's the PA from over here, Dr. Ward, complaining about why am I  
 6 complaining about the staff hitting me in the back with the  
 7 door.

8 So I'm still in this type of environment, sir. I go  
 9 home soon, I'm trying to survive the best way I can. Like I  
 10 said, there's a staff member right here, so a lot of things that  
 11 happened, sometimes you can't open your mouth for your own  
 12 safety, sir.

13 Q. Well let me ask you this way, Mr. Siggers, what did you  
 14 tell the physician assistant that was not in the medical record?

15 A. I explained to him about my arm, he wrote down I had  
 16 some kind of a cyst or whatever where my arm got swelled up and  
 17 everything. But what he said verbally and what they write down  
 18 is two different things, sir. I contacted -

19 Q. Why don't you do this, tell me in your own words what  
 20 you were complaining about at this particular time to this  
 21 particular physician's assistant?

22 A. At what point in time, sir, about the arm, or when -

23 Q. I don't know. I don't know when -

24 A. You seem to start -

25 Q. Mr. Siggers, the problem I'm having - Mr. Siggers, I'm

1 trying to figure out what happened on one particular incident,  
 2 and that's the incident where you described going and talking to  
 3 a physician's assistant, that physician assistant wrote down  
 4 something in your medical chart that you are now telling me is  
 5 different than what you told him at that time. I don't know  
 6 when that examination occurred, I don't know who the physician's  
 7 assistant is. I'm trying to have you describe for me what it is  
 8 you told the physician assistant about your medical condition  
 9 that is not in your medical record?

10 A. It says in my medical record, it explains about the  
 11 drainage and everything, but the reason why I was over there and  
 12 the statement he gave to me the reason how I contacted that,  
 13 that fungus on my arm from an open cut, he said "You have an  
 14 open paper cut, hair bump, and dealing with that type of mass  
 15 production and stuff going around, that's how I contacted that,  
 16 got that infection." Then when I got the thing, he says "we  
 17 performed drainage and everything." But what I stated - that's  
 18 why I try to re-illustrate, sir, I can say one thing to you right  
 19 now, my problem, but what's notated on record is two different  
 20 things, sir. I mean, you might not comprehend and understand  
 21 because you're not on this side to see what I'm explaining,  
 22 because it hasn't happened to you, you're not in here.

23 Q. Are you still having problems with your arm?

24 A. No, sir, the drainage - they gave me one medication,  
 25 when it came back from the laboratory that what they was giving

1 me was no good, they switched to other medication. The same way  
 2 with the nape of my neck, I started putting a towel around my  
 3 neck and my arm and taping it up when I worked with the micore  
 4 board. On both my arms I put tape -

5 Q. Are you still having problems with your neck or your  
 6 arm? That's what I'm trying to find out.

7 A. No, sir. You asked me what did I experience, what type  
 8 of injury, and that was two of the injuries that I was  
 9 explaining that I experienced, sir.

10 Q. Well, Mr. Siggers, really what I asked you is, you said  
 11 you had a permanent injury, and I assume that when you said you  
 12 had a permanent injury, that you still had the injury. I was  
 13 trying to find out if your injuries are in fact permanent. So  
 14 when you talked about the itching and irritation on your arm and  
 15 the hair bumps on your neck, are they permanent injuries that  
 16 you are describing, or were they injuries that you had that have  
 17 since resolved?

18 MR. LANZILLO: Let me just enter an objection. Hold  
 19 on for a second, Kevin.

20 This is an objection to the extent that it requires  
 21 some form of medical diagnosis whether the underlying condition  
 22 or problem is permanent, he would not be qualified to know. But  
 23 if the question is along the lines are you currently or  
 24 continuing to have symptoms arising from those conditions, he  
 25 certainly can respond to that.

1 Q. And that's my question, Mr. Siggers. Do you currently  
 2 have symptoms which you relate to cutting of micore board?

3 A. Yes, sir. Like I said before -

4 Q. What are they?

5 A. My breathing, tiredness. That's basically - my  
 6 breathing, I have a hard time breathing, man. I take -

7 Q. Has anybody told you who has examined you from the  
 8 medical staff at the Bureau of Prisons, that the symptoms you  
 9 are having with regard to being tired or your trouble breathing,  
 10 are somehow related to working with the micore board?

11 A. To answer your question honestly, sir, yes, but when  
 12 they wrote it down, they say they think I'm trying - they think  
 13 I'm catching asthma, now they said all of a sudden I got asthma,  
 14 before it was just -

15 Q. Who at the Bureau of Prisons, who on the Bureau of  
 16 Prison medical staff has told you that any of your symptoms are  
 17 related to your work at UNICOR, or with your work with the  
 18 micore board?

19 THE WITNESS: Mr. Lanzillo, I don't understand which  
 20 way he wants me to answer, can you assist me on this? Because  
 21 this is -

22 MR. LANZILLO: Kevin, the question posed to you is has  
 23 anyone at the Bureau of Prisons told you that your conditions  
 24 are related to your use of micore board. The question is  
 25 limited to what anyone at the Bureau of Prisons has told you.

1 not necessarily to what you may have – you may know through  
 2 other means, and certainly do not disclose any conversations  
 3 that you and I have had regarding any independent research that  
 4 has been done on your behalf. The question is limited to what,  
 5 if anything, that anyone told you at the Bureau of Prisons as  
 6 far as whether there is a causal relationship between your  
 7 symptoms and the micore board. You have already testified to  
 8 some things, is there anything else?

9 A. Sir, that's why I re-illustrated some of the things I  
 10 said. That's why when I looked at my medical records, what was  
 11 said verbally and what is written down is not the same, sir.  
 12 And like – excuse me, PA Fairbanks and some of the PAs that  
 13 checked me what was going on, is no longer employed here, sir.  
 14 So the conversation is just – I'm trying to answer the question  
 15 to the best of my knowledge.

16 Q. When was the last time you worked with micore board?

17 A. I can tell you right up to the second, sir.

18 I have a cop out signed by Mr. Sapko switching me  
 19 departments. Roughly around 9/5/03. Foreman Peters –

20 Q. After that date did any of your symptoms resolve, or  
 21 get better?

22 A. I don't have the itching skin irritation no more, but  
 23 my breathing is still bad. I still take inhalers, I still come  
 24 over to the hospital for chronic care about my breathing, sir.

25 Q. I saw in your medical record there is a reference to

1 you having asthma, or you being diagnosed with asthma, had you  
 2 ever prior to being incarcerated been told that you have asthma  
 3 symptoms, or were you ever diagnosed as having asthma?  
 4 A. No, sir, I never had it until all of a sudden they said  
 5 what my problems is. Before OSHA came in I was complaining,  
 6 they ran tests and gave me X-rays, and they said I had asthma.  
 7 Why all of a sudden now it's notated that I got asthma?

8 Q. Does anyone in your family have asthma, or has anyone  
 9 in your family been diagnosed as having asthma?

10 A. Sir, you have to talk – I don't know, sir. I've been  
 11 incarcerated, I don't know. I can't answer that, sir. Before  
 12 my incarceration – before my incarceration, to my knowledge,  
 13 no.

14 Q. Okay. Can you tell me the first time that you noticed  
 15 any of the symptoms that you have outlined here came about?  
 16 A. What symptoms are you talking about, sir?

17 Q. Any of the symptoms?

18 A. I first started having the itching, real bad itching  
 19 when I started – I'm going to say before Christmas 2000 it  
 20 started getting a little bad, bad. Then once I started working  
 21 and working and working, like I said in affidavits, I complained  
 22 to Mr. Pierotti about my breathing, the nosebleeds, blowing my  
 23 nose, having part blood and particle dust in it. Now every time  
 24 I was coming over here about respiratory problems, they just  
 25 told me "lose some weight or we get you X-rays". It's this and

1 that. And if – and when I kept complaining to Mr. Sapko about  
 2 it and he seen one of my affidavits, he said "Siggers, you a  
 3 troublemaker, if you don't like it, quit. If you have a problem  
 4 with it, quit." And I had his signature on the asking him to  
 5 switch my jobs, because I feared for my safety and my health  
 6 working with them products. And I have his signature on that.

7 Q. You mentioned that you have had some tests done  
 8 concerning your respiratory problems, what tests were done, do  
 9 you know?

10 A. I've had numerous x-rays, they give me – I can't tell  
 11 you the name of the test, but it's a pump with a little ball in  
 12 it, Dr. Bing constantly gave me that to see if the pills or the  
 13 inhalers is working.

14 I had came over a couple times because I was laying in  
 15 the bed and couldn't catch my breath, couldn't breathe, and they  
 16 gave me some type of treatment, and it didn't work. So they've  
 17 given me different inhalers to try to clear up my chest they  
 18 say. They say I'm having congestional problems, whatever you  
 19 want to call that.

20 Q. When was the first time you experienced respiratory  
 21 problems?

22 A. I'm going to have to say after I started working  
 23 full-time on the panel saw and I was helping the operator and I  
 24 been around that procedure all day. It was different when I was  
 25 helping out. When I was there all day breathing in and

1 breathing in that stuff all day, I have to say then, sir.

2 Q. When was the first time you reported having a  
 3 respiratory problem to anybody at UNICOR or to any of the  
 4 defendants?

5 A. Like I say, around 2000 I spoke to Mr. Pierotti, and he  
 6 said if I don't feel comfortable working there, switch  
 7 departments. But, you know, I work in a factory to take care of  
 8 myself, that's the job you got, the more money you make in  
 9 there. So I tried to work around it. Then when it was brought  
 10 to my knowledge the danger of it to me, that's when I started  
 11 doing my own research, sir. But before then, if you check my  
 12 medical records in '99 and in 2000, I was complaining then, sir.

13 Q. Did you complain in writing or were these just verbal  
 14 complaints?

15 A. I wrote to the medical staff and I spoke verbally – in  
 16 the factory you don't write nothing, you just go to your  
 17 foreman. Until after I was told, after this situation started  
 18 coming, another foreman said "Whenever you have a problem, the  
 19 best way to do it is write it down." When you asked me about me  
 20 complaining, I wrote a cop out to Mr. Watson, and he said OSHA  
 21 said I don't need no respirator, I can use a dust mask. They  
 22 should have gave me –

23 Q. Did you ever file a claim alleging that you were  
 24 injured while working on the job with UNICOR, or the Bureau of  
 25 Prisons?

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1 A. I don't understand what you mean, sir. What claims are  
2 you talking about, sir?

3 Q. Did you ever file a claim indicating that you incurred  
4 any respiratory injury as a result of working on the job with  
5 either UNICOR or the Bureau of Prisons?

6 A. I filed a complaint after I filed my institutional  
7 remedies, if that's what you're speaking upon, sir.

8 Q. But you never filed a complaint with regard to the  
9 inmate compensation benefit program?

10 A. I didn't know nothing about that, sir.

11 Q. Okay. Mr. Siggers, do you smoke?

12 A. I don't smoke now, sir.

13 Q. Did you smoke?

14 A. I smoked cigars off and on, sir.

15 Q. When was the last time you smoked?

16 A. When was the lock down at?

17 MS. LECHIEN: 2004?

18 Q. You have to answer, Mr. Siggers. It's your answer,  
19 not hers.

20 A. They took all the tobacco products out of the  
21 institution, so that's what I was asking, when that time frame  
22 was, sir.

23 Q. I understand. I'm sorry, I misunderstood your  
24 question. When was that?

25 A. About February 2004.

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1 Q. Prior to February of 2004, what tobacco products did  
2 you use?

3 A. I smoked cigars off and on.

4 Q. How often would you smoke cigars on a daily basis?

5 A. That's hard to say. Some days I smoke one, sometimes I  
6 might smoke three. It depends, sir.

7 Q. Did you smoke every day?

8 A. No, sir.

9 Q. How long a period of time did you smoke cigars?

10 A. I been smoking - I'm going to have to go back to off  
11 and on since the '80s, sir. I smoked a cherry blend, you know,  
12 when somebody have a baby in your family they pass out cigars.  
13 I started smoking cigars when cigarettes got so high here in the  
14 institution, that's when I started smoking cigars again.

15 Q. Did you start smoking cigars only once you were  
16 incarcerated, or did you smoke cigars prior to being  
17 incarcerated?

18 A. Prior to being incarcerated I smoked Newports or Kools.

19 Q. So you smoked cigarettes prior to being incarcerated.  
20 How many cigarettes a day did you smoke?

21 A. Whenever I'm nervous. I did plumbing work before I got  
22 incarcerated, when I was bored or nervous I might smoke two or  
23 three cigarettes a day, a week from now I might smoke a whole  
24 pack. It depends on whether I'm nervous or worried about  
25 something, sir.

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1 Q. How long a period of time did you smoke cigarettes?

2 A. I might go three or four years and don't smoke no  
3 cigarettes, sir. I'm not - just like this morning, I was  
4 nervous, if I had a cigarette, I would have smoked a cigarette,  
5 because I was nervous about this was going to happen. I'm like  
6 a - how do you say it, like you drink, you're a social drinker,  
7 I smoke when I'm nervous or I'm frustrated, or worried about  
8 something.

9 Q. Mr. Siggers, at what age did you start to smoke  
10 cigarettes?

11 A. You mean fully or experiment?

12 Q. I'm just trying to figure out at what age did you smoke  
13 your first cigarette?

14 A. I'm going to have to say I remember the day because we  
15 got a behind-whipping about it, so I was young. I'm going to  
16 say nine or ten, we got caught behind my grandmamma house trying  
17 to smoke, but I didn't really start smoking smoking on my own  
18 until I was a teenager.

19 Q. And when was the last time you smoked a cigarette?

20 A. Oh, man. It's been a long time, sir. It's been a long  
21 time.

22 Q. Was it while you were incarcerated? Were you still  
23 incarcerated at FCI McKean?

24 A. Oh, yes. Yes, sir.

25 Q. Did you smoke marijuana at any time?

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1 A. Yes, sir.

2 Q. How much marijuana did you smoke, if you can quantify  
3 that?

4 A. I think since - I got out of prison July 17, '95, I  
5 probably smoked about a \$20 bag of weed since then. In my  
6 youth, when you was a kid, you do childish things. When I was  
7 on parole, I had to take urine tests constantly, once a week I  
8 took a urine analysis, so I couldn't.

9 Q. Let me ask you about the work floor at UNICOR. Who  
10 called - when you were working the panel saw, and even when you  
11 were working as a laborer, who all was allowed to be on the work  
12 floor?

13 A. I don't understand what you mean, sir.

14 Q. Well, obviously there were inmates on the work floor,  
15 were there people who were not inmates on the work floor as  
16 well?

17 A. I still can't calculate your - you mean who was  
18 working with me?

19 Q. Well, yes. Were civilian employees of UNICOR allowed,  
20 or were they on the work floor when you were cutting micore  
21 board or when you were helping with the boards as a laborer?

22 MR. LANZILLO: Let me just interpose an objection. Do  
23 you mean continuously? Did they ever come on? Is the question  
24 did they ever come on the floor?

25 MR. COLVILLE: I'm going to ultimately, but I'm just

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1 trying to find out who was allowed to be down there and who  
 2 wasn't allowed down there.  
 3 MR. LANZILLO: Kevin, do you understand the -  
 4 A. Vaguely. I mean, every now and then they bring these  
 5 tours and they stand around and watch us work and see what we  
 6 do. But basically they walk them around, they don't walk them  
 7 up close to the saw. There used to be a tending machine there,  
 8 and that tending machine next to us, they cut wood and  
 9 everything, and it's loud. So we was in the back of the  
 10 factory, so if there's a lot of people out on the floor, I can't  
 11 answer that for you, sir.  
 12 Q. Your supervisor was a UNICOR employee; is that correct,  
 13 Mr. Pierotti, Mr. Nolan?  
 14 A. Yes, sir.  
 15 Q. They were not inmates, right?  
 16 A. Yes, sir. I see them on a daily basis.  
 17 Q. Did they walk the floor and watch what you were doing  
 18 as well as the other inmates who were working for UNICOR?  
 19 A. Vaguely they walk around to see, make sure ain't nobody  
 20 fighting and nothing like that. Usually we know what we do,  
 21 inmates train inmates, we just run it, just like now.  
 22 Q. But just so I'm clear, I'm just trying to be clear as  
 23 to who was physically present while you were doing the cutting,  
 24 or while you were laboring or while somebody else was doing some  
 25 other job. And I want to make sure that I'm clear that your

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1 supervisor, Mr. Pierotti and Mr. Tingley, they would have been  
 2 on the work floor during your shift while you were laboring  
 3 and/or using the panel saw, is that an accurate statement?  
 4 A. Sir, can I reemphasize that it's already notated, that  
 5 the factory foremans switches a lot, so I had Pierotti, I had  
 6 Tingley as a foreman, I had Nolan as a foreman back there while  
 7 I was working with the micoare board. So at any point in time  
 8 they spot check, they come around, make sure we working. And we  
 9 have a problem, they have an office, if there's a problem, if we  
 10 can't find them in one area, we find them in the office or  
 11 upstairs on the computer. So I don't want to be vague, but I  
 12 don't know what type of answer you want me to give you, sir.  
 13 Q. Did Mr. Sapko or Mr. Housler ever go down on to the  
 14 work floor while you were working the panel saw or working as a  
 15 laborer at the panel saw?  
 16 A. Yes, sir. A couple weeks before OSHA came in  
 17 Mr. Housler came in, and we was told before he came in by  
 18 Mr. Nolan, who was my foreman at that point in time, not to blow  
 19 the machine off, that they'd supply us with a shop vac. But  
 20 when Mr. Housler came through, we cut three sheets of tack board  
 21 at a time then, and that's the day we found out that an OSHA  
 22 representative was going to be coming in, sir.  
 23 Q. Did Mr. Housler tell you not to do that?  
 24 A. He just stood back and -  
 25 MR. LANZILLO: Objection.

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1 THE WITNESS: Excuse me, sir?  
 2 MR. LANZILLO: You can go ahead and answer if you  
 3 understand the question, I objected to the form because I  
 4 thought it was vague.  
 5 Q. What did Mr. Housler tell you at that time?  
 6 A. He didn't tell me I was doing nothing wrong or right,  
 7 he just sat back and observed. I turned in an affidavit about  
 8 it, about the day he came in, what took place.  
 9 Q. Did he observe you cutting three boards at a time?  
 10 A. Yes, sir. That's a practice been going on for years.  
 11 Q. Did he tell you - did Mr. Housler tell you not to cut  
 12 three boards at a time when OSHA came in?  
 13 A. No, the foreman told - Mr. Nolan left the group of  
 14 them, all of them was standing there, Mr. Snyder and all of  
 15 them, came over and told us to cut one board at a time. Me and  
 16 Mr. Woods, the assistant operator at the time, said "This ain't  
 17 how we cut" - this is after they hooked us to the machines, we  
 18 said "This ain't how we regularly cut." We was told to do our  
 19 job, he told us to cut one board at a time.  
 20 Q. Did you tell that to the OSHA representative who was  
 21 there?  
 22 A. After we gave our deposition in the office they kept  
 23 him away from us. The only time he asked us to do something,  
 24 when they got the machine on us. But we acknowledged that in  
 25 front of Mr. Nolan at the time, then he went back over there

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1 with Mr. Housler and all of them, Nolan came back and said do  
 2 what we was told to do. And I went back at that time and asked  
 3 the OSHA representative for a copy of his card so I could call  
 4 and talk to him.  
 5 Q. Mr. Siggers, you have mentioned something about a  
 6 deposition up in an office, were you questioned by OSHA  
 7 representatives in an office?  
 8 A. Yes, sir, and end up getting in an argument.  
 9 Q. Who was present?  
 10 A. Mr. Housler, Mr. Sapko, Mr. Nolan, almost all the shop  
 11 foremans was there. Mr. Snyder, who was the -  
 12 Q. Were you present there?  
 13 A. Sir?  
 14 Q. During this interview with OSHA -  
 15 A. Yes, sir.  
 16 Q. Do I take it that there was an OSHA representative,  
 17 Mr. Housler, Mr. Sapko, Mr. Nolan, and yourself?  
 18 A. Yes, sir. He asked me the procedure on how we cut, how  
 19 we clean, and he asked me about the MSDS sheets. And I  
 20 explained to him that I didn't know where it was, and  
 21 Mr. Housler, the safety representative, got in an argument with  
 22 me behind that. But he didn't take time to take me outdoors and  
 23 show me where it was, he said I'm a liar, I know all about this  
 24 and this and this, and I explained to him right there in front  
 25 of the OSHA representative I do not know where it's at. They

1 got all of that stuff stacked behind the steps. Like I said,  
 2 Mr. Nolan walked me back there and showed me where it was, and  
 3 that's when I wrote the company that produces the micore board  
 4 asking them about their product, because before that time I  
 5 didn't know nothing about it, sir. If I knew, I would have did  
 6 my research way before then.

7 Q. Mr. Siggers, let me ask you about this meeting that you  
 8 had with all these people we just talked about. Was this before  
 9 or after they had clipped you in and they had done their audit  
 10 or examination of the dust?

11 A. Before, sir.

12 Q. Now, you said it was a deposition, was there somebody  
 13 taking notes like the court reporter is right now?

14 A. He asked did I mind playing a recorder, he had a little  
 15 tape recorder, and I asked him can I get a copy of this  
 16 deposition for my own safety. Because at first I wasn't going  
 17 to answer his questions, because like I said, I'm still in an  
 18 institution.

19 Q. I understand. Do you remember the name of the OSHA  
 20 representative who you spoke to at that time?

21 A. No, sir. It should be on his report, sir.

22 Q. How long did this meeting take place?

23 A. I'd say about 15, 20 minutes, vaguely.

24 Q. During this meeting did you and the OSHA representative  
 25 discuss how many boards you would cut at any given time?

1 asked me that, he might not have, I don't know, sir. Because I  
 2 was a little shooked up, you call me in front of all these  
 3 staff - inmates and all these staffs in the office, that don't  
 4 look good.

5 Q. Were you the only one that was called up, or was any of  
 6 the other saw operators called up as well?

7 A. I was called and Mr. Woods was called.

8 Q. What machine did Mr. Woods operate?

9 A. He worked the EZ-panel saw with me, sir.

10 Q. Were there always two people assigned to one saw?

11 A. Sometimes three, sometimes four. You only going to  
 12 have a head operator and assistant operator, everybody else is  
 13 just helpers, sir.

14 Q. I see. Like a laborer like you were previously?

15 A. Yes, sir. Only time we have three and four is when  
 16 we're cutting a whole lot of tack board, and we was cutting.

17 Q. When you did the cutting on this day, was one of the  
 18 OSHA representatives there to physically observe you cutting the  
 19 boards?

20 A. Yes, sir. I tried to - when I put the board down, the  
 21 dust came in the air, I was told by Mr. Nolan that if I do that  
 22 again, I'm going to get wrote up. I said "They got us on a  
 23 tester when we're not even putting dust in the air, so it's  
 24 going to be inadequate." And when we went to lunch and came  
 25 back, me and Mr. Woods went and asked him about it, they said

1 A. No, sir.

2 Q. What else did you discuss during this meeting?

3 A. He explained to us why he's hooking these machines and  
 4 everything up. Then after they hooked me and Mr. Woods up, me  
 5 and Mr. Woods walked to the back, and that's when Mr. Nolan came  
 6 back there, Mr. Snyder, Housler and them, they were talking,  
 7 then he walked over and told us cut one sheet at a time, and  
 8 told us do not blow the air. And the OSHA guy came over while  
 9 we was doing it and said "How do you clean?" Because the stuff  
 10 was all over, I said "We blow it off the machine, then we sweep  
 11 it up and we sweep the floor after we blow it."

12 Q. During the meeting did you tell the OSHA  
 13 representatives you were having problems with your respiratory  
 14 system, and anything about the irritation of the skin?

15 A. I don't recall him even asking us nothing like that,  
 16 sir, at all.

17 Q. Did you understand why OSHA was there doing the testing  
 18 they were doing?

19 A. Yes, sir. Like I said, I can't recall the whole -

20 Q. What was your understanding of why they were there?

21 A. Because there's been complaints about the product that  
 22 we was cutting and our health and safety factor concerning it.  
 23 That's why I asked for a copy, because he caught me off-guard  
 24 when he called me in there. That's why I say I don't remember  
 25 everything verbatim that I said to the OSHA man, he could have

1 "If we don't like it, quit. File for Freedom of Information Act  
 2 and get the OSHA report." That's what was told to us.

3 Q. Now, when you were cutting the boards while the OSHA  
 4 representative was present, did that OSHA representative ask you  
 5 where your respirator was?

6 A. I think he asked - you have to check - I can't

7 vaguely recall the whole conversation, he might have asked about  
 8 the dust mask or something, because at the time I was in a  
 9 T-shirt.

10 Q. When you were cutting the micore board with the OSHA  
 11 representative present, did the OSHA representative have a  
 12 respirator on himself, or herself?

13 A. I can't recall. It was a gentleman, sir. I can't  
 14 recall. No, nobody had no respirator on.

15 Q. Did any of your supervisors either that day or any  
 16 other day that you know, wear a respirator while they were on  
 17 the work floor with you?

18 A. No.

19 Q. Did Mr. Sapko or Mr. Housler ever wear a respirator  
 20 when they were down on the work floor with you, or walking about  
 21 the work floor while cutting of micore board was being  
 22 conducted?

23 A. Are you talking on the day of OSHA, or the day -

24 Q. I'm talking any day.

25 A. Only two times that I ever remember Mr. Housler being

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1 back there is the week before OSHA came in and the day the OSHA  
 2 representative came in, and at that time we cut one board at a  
 3 time, sir.

4 Q. Okay. How about Mr. Sapko, did you ever see him  
 5 wearing a respirator any day he was ever down on the work floor  
 6 with you or anyone else while micore board was being cut?

7 A. Sir, you keep saying respirators, we didn't have no  
 8 respirators, we had Do It Easy-Dust Masks, we didn't have no  
 9 respirator. You keep illustrating respirators, we didn't have  
 10 none.

11 Q. Okay. Do I take it, then, that they didn't wear a  
 12 respirator on any day that they were on the work floor with you  
 13 while you were cutting micore board?

14 A. I don't know how to answer that question, because they  
 15 never - they would walk by, they don't stand there and watch us  
 16 while we're doing a whole lot of work. Mr. Sapko, he'd walk by  
 17 and look at us and go, that's why I don't understand your  
 18 question, sir. Has he stood there daily all day with us? No.

19 Q. Okay. There's something, I think in your complaint,  
 20 about the MSDS sheet being altered. Can you tell me what that's  
 21 about?

22 A. It was scratched out and somebody wrote "dust mask,"  
 23 and we asked him about that.

24 Q. Asked who?

25 A. I asked Mr. Sapko, I asked Mr. Snyder, then I sent a

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1 cop out to -

2 Q. What did they say?

3 A. That OSHA said we don't need it. Then I wrote a cop  
 4 out to - well, I filed a BP-8 cop out to Mr. Watson, he wrote  
 5 back saying the same thing, OSHA said we can use a dust mask, we  
 6 don't need no respirator. But on the box of the dust mask it  
 7 said do not protect against any harmful air-borne chemical.

8 Q. Mr. Siggers, let me take you back. Did you just say  
 9 OSHA told you you could use the dust mask?

10 A. I said Mr. Watson answered my - I have a copy of it  
 11 right here, sir, also my counsel, Mr. Watson said we do not need  
 12 a respirator, we can use a dust mask.

13 Q. Okay. I misunderstood you, I thought you said  
 14 something else.

15 With regard to this MSDS sheet being altered, are you  
 16 claiming that Mr. Housler or Mr. Sapko altered this sheet?

17 A. Somebody in authority or somebody that's under him had  
 18 to change it, we couldn't change it, sir. We was told to work,  
 19 that - excuse me?

20 Q. You can answer. I'm sorry I interrupted you.

21 A. When we asked him about it -

22 MR. LANZILLO: Did you finish your answer?

23 A. Yes.

24 Q. Why don't you start again. I think we interrupted you,  
 25 but if you're done answering the question, I'll ask another one.

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1 A. I don't even know what you heard of what I said. I  
 2 mean, the screen and -

3 Q. My question was, are you claiming that Mr. Housler or  
 4 Mr. Sapko or for that matter any of the defendants -

5 A. Yes.

6 Q. - altered the MSDS sheet?

7 A. Yes.

8 Q. What evidence do you have that any of the defendants  
 9 altered the worksheet?

10 A. All I have is they verbally - when I asked them about  
 11 the change and being scratched out where respirator was and mask  
 12 is now shown, is that okay, verbally they all told us yes.  
 13 Everyone that I asked said yes. So I asked them verbally, and  
 14 they all said yes, sir.

15 Q. When was the first time you saw the MSDS sheet where  
 16 something was altered or scratched out?

17 A. When Mr. Nolan walked me over there and Mr. Sapko came  
 18 up.

19 Q. Is that the date of the OSHA inspection?

20 A. I never seen it that day. Me and Mr. Housler argued  
 21 about it, because he said I have seen it. But underneath the  
 22 steps there's the MSDS sheet, I didn't never know about that.  
 23 Because like I said, it was storage, they used it for storage,  
 24 it was old cabinets, records, everything was stored behind  
 25 them. Until Mr. Nolan - I have it dated, that I read earlier,

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1 to that day I did not know where to look for them MSDS sheets,  
 2 where it was at. Mr. Nolan -

3 Q. Was the MSDS sheet locked up and only accessible by  
 4 plant supervisors and management, or were inmates also able to  
 5 access the MSDS sheets?

6 MR. LANZILLO: Objection to form. Go ahead, answer it  
 7 if you can.

8 A. I can't answer that, because to that day, that was the  
 9 first day I seen it, and that's when Mr. Nolan at 12 something  
 10 that afternoon walked me over there and showed me where it was,  
 11 and then Defendant Marty Sapko came over there and made a  
 12 statement. I physically with my own eyes never seen it before  
 13 that day, sir.

14 Q. What date was that? I'm not really sure what day  
 15 you're referring to.

16 A. Just a second, please.

17 On Thursday, July 3rd, 2003 I approached at 12:19 p.m.,  
 18 I, Kevin Siggers, was called to the shop by shop foreman Chuck  
 19 Nolan. Mr. Nolan talked and asked me haven't I always looked  
 20 out for you and tried to respect you. Mr. Nolan asked me are  
 21 the guys forcing me to file my complaint, I told him that I was  
 22 doing it for my own safety. Mr. Nolan then walked me to the  
 23 front of the factory and showed me where the MSDS sheet was.  
 24 And Mr. Sapko came over and asked Mr. Nolan what was he doing.  
 25 Mr. Nolan replied it was about the MSDS sheets and the micore

1 board that's closed. That was July 3rd, 2003 when I first seen  
 2 the MSDS sheet with my own eyes, sir.  
 3 Q. Mr. Siggers, it's my understanding that sometime after  
 4 the OSHA inspection respirators and long-sleeved shirts were  
 5 provided to you and the other inmates in the UNICOR factory, is  
 6 that accurate?

7 A. After OSHA came in, like 9/16, we were told that we  
 8 were going to be ordered proper clothing when we were cutting  
 9 the fiberboards. We were given long-sleeved shirts and were  
 10 told coveralls would be ordered. That was on 9/16/03 they said  
 11 that they was going to order things. I ordered a – they asked  
 12 me my size, I ordered a 5X cut, but when they came in they only  
 13 had two 3Xs. And after that they started –

14 Q. Were you ultimately provided with –

15 A. After 9/16/03 –

16 Q. I'm sorry, Mr. Siggers, I'm interrupting you. Go  
 17 ahead.

18 A. On 9/16/03 we was using long-sleeve shirts. They  
 19 ordered coveralls, and then now they give us a – before they  
 20 took it out they got a formal respirator, they did change and  
 21 try to make it – to make a change. They ordered coveralls –

22 Q. When were you provided with a respirator –

23 A. Way after 9 –

24 Q. When were you provided a respirator for the first time?

25 A. You have to check – they have a log-in book at UNICOR,

1 forget when you said, but the last day that they were  
 2 manufacturing micore board or other products like that?  
 3 A. I wore it to the day they switched me off the saw.  
 4 After I switched off the saw they came in with a different one,  
 5 that's when guys had to trim their beards and faces.

6 Q. What were they cutting at that point?

7 A. Still cutting the same materials, sir, I just wasn't  
 8 working with it no more.

9 Q. When were you taken off the saw?

10 A. You mind if I go through and get it?

11 Q. Please do.

12 A. Around November, sir, of 2003. November 2003.

13 Q. At that point what job were you assigned to?

14 A. Flipping boards.

15 Q. Did you ever work the panel saw again after that point  
 16 in time?

17 A. Not that saw.

18 Q. Did you work any other saw or cut any other more micore  
 19 board?

20 A. I didn't cut any micore board no more, sir, I didn't  
 21 handle it. I was moved from that operation altogether, sir.

22 Q. Okay. So is November of 2003 the last time you worked  
 23 with micore board?

24 A. Yes, sir.

25 Q. And I'm sorry for dragging this out any further, but

1 they gave us – we had to sign a sheet, sir, when they gave it  
 2 to us.

3 Q. Did you have to receive medical clearance to wear a  
 4 respirator –

5 A. They switched respirator twice since then. The first  
 6 ones, no. Then after that I was taken off the machine, safety  
 7 came in and made the guys cut their face and fit them and sent  
 8 them to the hospital for the new ones. That was right before  
 9 they took the material out of the factory.

10 Q. Could you describe for me the respirator that you were  
 11 provided, the first respirator you were provided with?

12 A. I was only supplied with one. It has a little hole  
 13 with a little stick in it and then like a little top on the  
 14 inside, neck, and it's nothing can get in there, it's not fitted  
 15 to my face. The ones they switched to fits a little bit to  
 16 their face. Mr. Housler came in –

17 Q. That's what I wanted to clear up. I wanted to find out  
 18 if the respirator you were provided had to be fitted to your  
 19 face?

20 A. It was almost like the dust mask, but thicker. Then  
 21 Mr. Housler came in, the safety said they can't use them, they  
 22 ordered different ones. But the first ones they got they didn't  
 23 fit for your face, they were almost like a dust mask, but it was  
 24 thicker. Like I said, it helped, it helped, very much help.

25 Q. Did you wear that respirator from that point until – I

1 what type of material were you working with after November of  
 2 2003?

3 A. I started – they took me – I started cutting little  
 4 mouse pads, keyboard – plastic, more or less plastic, standard  
 5 regular size wood, then I went in the back, they made me a  
 6 production coordinator and I started doing shipping and  
 7 receiving chairs and tables.

8 Q. Were you still wearing your respirator after November  
 9 of 2003?

10 A. Yes, sir, whenever they got – they moved the saw from  
 11 the back to the front so it could be – so they can watch the  
 12 production of it, so whenever they was cutting and it was still  
 13 in the air, I went and put my mask on. I had mine, and all the  
 14 other guys had the new one. I had to look out for my own  
 15 safety, sir.

16 Q. So you were allowed to wear the respirator even though  
 17 you weren't operating the panel saw?

18 A. They asked me why I was doing it, I said "Look at it in  
 19 the air". They let me wear it, they didn't bother me, as long  
 20 as I kept doing my job.

21 Q. What did the air look like?

22 A. Excuse me?

23 Q. What did it look like? You said "look at the air,"  
 24 what did the air look like?

25 MR. LANZILLO: You mean at that time?

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1 MR. COLVILLE: Yes, at that time.  
 2 MR. LANZILLO: Now he's off the micore board.  
 3 MR. COLVILLE: Yes.  
 4 MR. LANZILLO: Okay. Do you understand the question?  
 5 A. Yes, sir. The same when we was cutting it in the back  
 6 in high volume, they was just cutting it right here, the air is  
 7 still filled with it. They put up video cameras, if you check  
 8 the dates, sir, you can see it yourself.  
 9 Q. There's video of this?  
 10 A. They put up video cameras while we was working, so, I  
 11 mean, what was the purpose - the video camera should be able to  
 12 pick up everything, shouldn't it?  
 13 Q. I don't know. I'm just trying to have you tell me what  
 14 it looked like. Was your visibility impaired?  
 15 A. Sometimes, sometimes not. Just like they say they made  
 16 us start cleaning with the shop vac, when you still got people  
 17 just still blowing it in the air and they're not saying  
 18 nothing. I'm an inmate, I can't physically tell nobody "Hey,  
 19 man, this is what they told us to do." If the foreman don't  
 20 step up and do it, what am I supposed to do, sir?  
 21 Q. Just a couple last questions.  
 22 What do you allege Warden LaManna did in this case that  
 23 violated your constitutional rights?  
 24 A. I asked him to check into -  
 25 MR. LANZILLO: Let me just interpose an objection to

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1 it's unsafe, "why don't you just leave UNICOR and quit". I said  
 2 "I'm just trying to make it safe for me and the rest of the guys  
 3 that's working." But then he laughed. Like I said, and I  
 4 re-illustrate, it seemed like it was a game to everybody,  
 5 everybody just laughed or brushed me off about it.  
 6 Q. Are you telling me that he actually laughed at you?  
 7 A. I'm looking in your face, sir, through this screen and  
 8 telling you yeah. And he ain't the only one laughed.  
 9 Q. Okay. I'm just trying to make sure I'm understanding  
 10 completely.  
 11 Did he say anything else, or that he could do anything  
 12 else for you?  
 13 A. Yes, sir, the regular, "I'll get back to you".  
 14 Q. Were there any other conversations other than these two  
 15 we just spoke about?  
 16 MR. LANZILLO: With LaManna?  
 17 Q. Yes, I'm talking about with LaManna.  
 18 A. Yes, sir, but on different things.  
 19 Q. No, I mean relative to the complaints you had with  
 20 regard to the dust and the micore boards?  
 21 A. When I filed for my BP-8, 9, 10 and 11 he had to answer  
 22 one, and I went to him about his answer.  
 23 Q. What happened during that conversation?  
 24 A. He said he's busy. He spoke to me and he said he was  
 25 busy.

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1 the extent that that calls for a conclusion of law concerning  
 2 which the inmate is not qualified to respond. You can do the  
 3 best you can, Kevin.  
 4 A. They had main line at chow, I asked him about it, I  
 5 asked him about the breathe-easy dust mask, I had somebody give  
 6 me a copy, I Xeroxed a copy of the box, took it to him and  
 7 explained to him what my thing was. He said "If you feel it's  
 8 so much dangerous or if you feel that UNICOR is not keeping you,  
 9 why don't you quit?" And I explained to him I need the money, I  
 10 need money to survive, I have time to do. He's like - to me  
 11 it's like it was a joke to everybody.  
 12 Q. When did this conversation occur?  
 13 A. I can't recall the very date. They have main line at  
 14 chow, you can catch the warden or anybody there.  
 15 Q. Was it before or after OSHA came?  
 16 A. Both times, sir.  
 17 Q. Was it before or after OSHA came?  
 18 A. Both times, sir.  
 19 Q. So there was more than one discussion?  
 20 A. Yes, sir. Whenever I caught him at main line, I asked  
 21 him, then when I got the response back from Mr. Watson, that's  
 22 when the next conversation went.  
 23 Q. Are you telling me the essence of his conversation was  
 24 if you feel it's so unsafe, leave UNICOR?  
 25 A. He said if I'm doing all this complaining about feeling

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1 Q. Did he meet with you?  
 2 A. He was in main line, and something was transpiring, so  
 3 he said he was busy right now. So he wasn't at no fault, he was  
 4 busy handling the situation.  
 5 Q. Okay. Let me ask you about Ms. Forsythe, what is it  
 6 that you claim she did to you that violated your constitutional  
 7 rights?  
 8 MR. LANZILLO: Objection to form. Go ahead and answer  
 9 if you can.  
 10 A. Same procedure that I went through with Mr. Sapko,  
 11 Mr. Housler, talked with Mr. LaManna. Ms. Forsythe had an open  
 12 door policy, if you feel something was wrong, she tried to  
 13 handle it. But when she tried to handle it, she kept coming  
 14 back with the same answer that the shop foremans was giving us,  
 15 she was coming back with the same. She didn't help the  
 16 situation.  
 17 Q. What was she telling you, though?  
 18 A. "I will speak to the shop foreman." And when she  
 19 called me back to the office, she always went with what they  
 20 said.  
 21 Q. What did she tell you that they were telling her?  
 22 A. Every question we asked about it, because it was more  
 23 than myself going up there and asking her pertaining to air  
 24 dust. Because we asked for something to cover our skin, because  
 25 the material make you itch, and they kept saying that we didn't

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1 need it. So whatever question we asked the foreman and we  
 2 didn't get a good answer, we asked her, and she came back with  
 3 the same answer they gave us, sir. They said it's proper  
 4 protocol steps we got to go through, so that's what we did.

5 MR. COLVILLE: That's all I have at this point.

6 MR. LANZILLO: I have no questions for you,  
 7 Mr. Siggers.

8 MR. COLVILLE: Thank you, Mr. Siggers.

9 MR. LANZILLO: And as far as the procedure, I would  
 10 like to have him read and sign.

11 MR. COLVILLE: Sure.

12 THE WITNESS: The whole proceedings?

13 MR. LANZILLO: You will have an opportunity to review  
 14 the transcript of this deposition, Kevin, to be sure that your  
 15 testimony has been accurately transcribed. That strikes me as  
 16 appropriate and important here because of the video link and the  
 17 fact that at times more than one person was speaking at the same  
 18 time. I just want to make sure that everything came across  
 19 accurately.

20 So you will have a chance to review the transcript and  
 21 make sure that that is in fact the case. After you have done  
 22 that, Kevin, then what you will do is you will note any  
 23 corrections on what is known as an "Errata Sheet" that will be  
 24 part of the deposition transcript, and then you will sign off on  
 25 the transcript. Fair enough?

1 THE WITNESS: Thank you, sir.  
 2 MR. LANZILLO: Thank you.  
 3 MR. COLVILLE: Actually, I have one follow-up  
 4 question.

5 EXAMINATION

6 BY MR. COLVILLE:

7 Q. Was your work week a five day work week, Monday through  
 8 Friday?

9 A. Sometimes we worked seven days a week, sir.

10 Q. Okay. But it was at least five days a week?

11 A. Yes, sir.

12 Q. The ordinary schedule?

13 A. Yes, sir.

14 Q. And you worked the day shift, eight hours?

15 A. Yes, sir.

16 MR. COLVILLE: Okay.

17 MR. LANZILLO: Kevin, there are just a couple of points  
 18 I want to clarify, let's do this now.

19 EXAMINATION

20 BY MR. LANZILLO:

21 Q. You indicated earlier that sporadically or periodically  
 22 in your life you have smoked tobacco products; is that right?

23 A. Yes, sir.

24 Q. But you would go periods of time when you didn't smoke  
 25 any tobacco products; is that also correct?

1 A. Yes, sir, years.  
 2 Q. Years. All right. And prior to working at the UNICOR  
 3 facility, had you ever previously been diagnosed with asthma or  
 4 asthma related symptoms?

5 A. Never in my life, sir.

6 Q. Is it also correct that the respiratory problems  
 7 concerning which you are complaining in this lawsuit, did not  
 8 start until after you began working with micore board at the  
 9 UNICOR facility?

10 A. That's absolutely correct, sir.

11 Q. And if I understood your testimony correctly, your  
 12 supervisors, including Mr. Sapko and less frequently  
 13 Mr. Housler, they would be present on the shop floor, but only  
 14 for a relatively short period of time?

15 A. Yes, sir. Like a quick walk-through, that's it.

16 Q. Did you ever personally observe Mr. Sapko or  
 17 Mr. Housler, for example, actually utilizing the EZ-panel saw  
 18 that you used?

19 A. I've never seen them operate a machine since I've been  
 20 here, sir.

21 Q. Kevin, did you say that the OSHA inspector made an  
 22 audio recording of an interview with you when he visited the  
 23 facility?

24 A. Yes, sir, and I asked him for a copy of it.

25 Q. Did you ever receive a copy of that recording?

1 A. No, sir. He gave a card to Mr. Housler and told me to  
 2 go through Mr. Housler. When Mr. Housler didn't give it to me,  
 3 I contacted my unit team, which is Ms. Lechien, and one of them  
 4 sent me the address in the mail. I have a copy of that, too.

5 Q. Do you know whether Mr. Housler received a copy of the  
 6 audio recording made by the OSHA inspector?

7 A. No, sir. We rarely said two words to each other.

8 Q. Kevin, you also mentioned that there are surveillance  
 9 cameras situated at some locations in or around the UNICOR  
 10 facility; is that right?

11 A. Yes, sir. They have one right -

12 Q. How long did - go ahead, Kevin.

13 A. At the time OSHA came in and before that, they have one  
 14 sitting right there in the corner, now we don't know if it's  
 15 working or not, I just know they had the drums, you know, where  
 16 the camera supposed to sit in, they had them and a little wire  
 17 hanging out, so. As we speak now it's still in that same spot,  
 18 one there and one in the front of the factory where Mr. Colville  
 19 came in yesterday.

20 Q. Were those cameras, or that camera, was it always there  
 21 when you worked at UNICOR -

22 A. No, sir, they put that in -

23 Q. - or did they put that in there at some point?

24 A. They put that in in the early part of 2000, around  
 25 there, before then it wasn't there. They closed down an

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1 institution in Youngstown, Ohio and brought a lot of BC  
 2 prisoners, and then they started going to security measures.  
 3 Q. Kevin, the skin problems -  
 4 A. Yes, sir.  
 5 Q. - that you had, did you have any similar problems  
 6 before you started working at UNICOR?  
 7 A. No, sir. It seemed like the only time I had them is  
 8 when I'm working with micro board, or the clothes. If I wash  
 9 my clothes, I wash it with the regular clothes, it seemed all  
 10 the clothes I washed together had itching and irritating.  
 11 MR. LANZILLO: Thanks, Kevin, that's all I have.  
 12 THE WITNESS: Thank you, sir.  
 13 MR. COLVILLE: That's it. Thank you.  
 14 THE WITNESS: You and Ms. Watson have a nice day, sir.  
 15 MR. LANZILLO: You, too. And I will make arrangements  
 16 to contact you for a conference call here in the next week or so  
 17 to talk about your deposition and make sure that you have an  
 18 opportunity to review the transcript.  
 19 THE WITNESS: All right. Thanks a lot.  
 20 MR. LANZILLO: Have a good day.  
 21 MR. COLVILLE: Thank you all.  
 22 ---  
 23 (Thereupon, at 11:35 o'clock a.m. the deposition was  
 24 concluded.)  
 25 ---

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1 CERTIFICATE  
 2 COMMONWEALTH OF PENNSYLVANIA, )  
 3 COUNTY OF ERIE. )  
 4 I, Darla J. Carabotta, do hereby certify that before me, a  
 5 Notary Public in and for the Commonwealth aforesaid, personally  
 6 appeared KEVIN SIGGERS, who then was by me first duly cautioned  
 7 and sworn to testify the truth, the whole truth, and nothing but  
 8 the truth in the taking of his oral deposition in the cause  
 9 aforesaid; that the testimony then given by him as above set  
 10 forth was by me reduced to stenotypy in the presence of said  
 11 witness, and afterwards transcribed by means of computer-aided  
 12 transcription.  
 13 I do further certify that this deposition was taken at the  
 14 time and place in the foregoing caption specified, and was  
 15 completed without adjournment.  
 16 I do further certify that I am not a relative, counsel or  
 17 attorney of either party, or otherwise interested in the event  
 18 of this action.  
 19 IN WITNESS WHEREOF, I have hereunto set my hand and  
 20 affixed my seal of office at Erie, Pennsylvania, on this  
 21 day of November, 2006.  
 22  
 23 Darla J. Carabotta, Notary Public  
 24 in and for the Commonwealth of Pennsylvania  
 25 My Commission expires October 9, 2010

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1 SIGNATURE PAGE  
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 4  
 5 Kevin Siggers  
 6 Subscribed and sworn to before me this  
 7 day of \_\_\_\_\_, 2006  
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 9 Notary Public  
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